

**COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE  
MINUTES  
OCTOBER 15, 2008**

**TIME AND PLACE:** The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:10 A.M., in Board Room 4, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**MEMBERS PRESENT:** Patricia M. Selig, R.N., F.N.P., Ph.D., Chairperson  
General Clara Adams-Ender, R.N., M.S.N., U.S.A. Retired  
Lynne Cooper, Citizen Member, Board of Nursing  
Peregrin C. Francisco, R.N., M.S.A.

**MEMBERS ABSENT:** Sandra Anderson Bell, M.D.  
Judith E. Piersall, R.N., B.S.N.  
Jane E. Piness, M.D.

**ADVISORY COMMITTEE MEMBERS PRESENT:** Barbara Kirkland, R.N., L.N.P.  
Tom Watters, R.N., C.R.N.A.

**ADVISORY COMMITTEE MEMBERS ABSENT:** Jennifer L. Bennett, M.D.  
Peter Boling, M.D.  
Steven B. Powers, M.D.  
Chip Williams, M.D.

**STAFF PRESENT:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director  
Board of Nursing  
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director  
Board of Nursing  
Charlotte Creed, Office Manager, Board of Nursing  
Donna M. Lee, Senior Discipline Specialist, Board of Nursing

**OTHERS PRESENT:** Allyson Tysinger, Senior Assistant Attorney General (arrived at 10:30)  
Sandra Whitley Ryals, Director, Department of Health Professions  
Elaine Yeatts, Policy Analyst, Department of Health Professions  
Tyler Cox, Hancock, Daniel, Johnson and Nagel, P.C.  
Mary Duggan, Virginia Council of Nurse Practitioners  
W. Scott Johnson, Hancock, Daniel, Johnson and Nagel, P.C.  
Michele Satterlund, Virginia Council of Nurse Practitioners

**ESTABLISHMENT OF A QUORUM:** With four (4) members of the Committee present, a quorum was established. Ms. Douglas noted that General Adams-Ender, Ms. Cooper and Ms. Francisco had been appointed to serve as Joint Boards of Nursing and Medicine members this date due to unavailability of regular members.

**ORDERING OF  
AGENDA:**

Ms. Douglas informed the Committee that a consent order involving a respondent from a disciplinary matter would be considered after the consideration of the agency subordinate recommendations. Ms. Douglas also stated that the following additional documents would be considered under “New Business”: A letter nominating Ms. Barbara Kirkland to serve a second term as an Advisory Committee Member; a resume pertaining to the nomination of Mary Duggan to serve as an Advisory Committee Member; and a letter from the National Council of State Boards of Nursing addressing the approval of the AACN Acute Care Nurse Practitioner Certification Examination. The agenda was reviewed and ordered.

**PUBLIC COMMENT:**

No public comments were received at this time.

**DISPOSITION OF  
MINUTES:**

Ms. Cooper motioned to adopt the April 9, 2008 minutes. The motion was seconded and carried unanimously.

**AGENCY DIRECTOR  
DIALOGUE:**

Ms. Ryals addressed the Committee regarding the Governor’s Health Reform Commission recommendations relating to nurse practitioners and provided the attached document for review. (Attachment 1)

**OLD BUSINESS:**

AACN Acute Care Nurse Practitioner Certification Exam:

Ms. Douglas informed the Committee that at its meeting on April 9, 2008, it voted to approve the request of the American Association of Critical-Care Nurses (AACN) Certification Corporation as an authorized certification body acceptable to the Board of Nursing for the certification of the Acute Care Nurse Practitioner Certification Exam contingent upon the approval of the National Council of State Boards of Nursing (NCSBN). Ms. Douglas provided the Committee with an update on the approval and reviewed the letter dated January 23, 2008, from the NCSBN stating that it determined that the new examination from AACN did meet the NCSBN’s APRN certification program criteria. Therefore, in accordance with the previous vote by the Committee, the AACN Acute Care Nurse Practitioner Certification Exam was approved by the Board of Nursing.

**NEW BUSINESS:**

Regulatory Update:

Ms. Yeatts informed the Board that the Periodic Review of the Regulations Governing the Practice of Nurse Practitioners and Regulations Governing Prescriptive Authority were conducted and will be published on November 10, 2008, and the amendments will become final on

December 25, 2008 if there are no objections. She also stated that the Pain Management Regulations are still under review.

Executive Director's Report:

- A handout was provided of the National Council of State Boards of Nursing Model Act/Rules and Regulations approved in August 2008, which can be used as a guideline for all state boards in promulgating regulations.
- The National Council of State Boards of Nursing Board of Directors endorses the Consensus Model for APRN Regulation: Licensure, Accreditation, and Certification, but was not adopted by the delegate assembly because it is not solely owned by NCSBN.
- An update was provided on the disciplinary process that was approved by the Committee authorizing an agency subordinate to hold informal conferences, in lieu of Board members, as well as the delegated authority for staff to close cases pertaining to nurse practitioners. Ms. Douglas reported this has worked very well in resolving cases and reducing case resolution timeframes.

Appointment and Re-Appointments, Advisory Committee of the Joint Boards of Nursing and Medicine:

Ms. Douglas stated that the names of Carola Bruflat and Mary Duggan were submitted as candidates for consideration to serve on the Advisory Committee to replace Ms. Ferrary and Ms. Poole, whose terms expired in June 2008. She also stated that the Virginia Chapter of the American College of Nurse Midwives submitted a recommendation for re-appointment of Barbara Kirkland to the Advisory Committee.

Ms. Francisco motioned to accept the nominations of Ms. Bruflat and Ms. Duggan as members of the Advisory Committee to replace Ms. Ferrary and Ms. Poole.

The motion was seconded and carried unanimously.

Ms. Francisco motioned to accept the nomination of Ms. Kirkland for re-appointment as a member of the Advisory Committee.

The motion was seconded and carried unanimously.

Vacancies, Committee of the Joint Boards of Nursing and Medicine:

Ms. Douglas informed the Committee that the Board of Medicine has not received the appointment or re-appointment of new members. She stated that the Board of Nursing will consider the appointment of a new member to the Committee after confirming the availability for next year of the prospective candidate.

Request for Approval of American Psychiatric Nurses Association  
Certification Examination in Psychiatric Mental Health Nursing:

Ms. Douglas stated that the Board of Nursing received a request from the American Psychiatric Nurses Association for the approval of an updated certification examination offered through the American Nurses Credentialing Center (ANCC), a nationally recognized certification body, for nurses seeking to be certified in advanced practice in psychiatric mental health nursing (PMHN). There has not been a ruling from the National Council of State Boards of Nursing regarding the exam.

General Adams-Ender motioned approval contingent upon National Council of State Boards of Nursing's approval.  
The motion was seconded and carried unanimously.

Ms. Douglas will provide further information at the next meeting.

National Association of Pediatric Nurse Practitioners (NAPNAP) Age  
Perimeters Position Statement:

The document was provided to the Committee for their information only and no action was necessary from the Committee.

Meeting Dates:

The next meeting date will be Wednesday, December 3, 2008.

RECESS:

The business meeting concluded at 10:25. The Committee recessed until 10:40 for consideration of the agency subordinate recommendations.

RECONVENTION:

The Committee reconvened at 10:45 a.m.

Consideration of Agency Subordinate Recommendations and Consent  
Order:

**Kim Oxford, R.N., L.N.P. – 0001-129648; 0024-129648**

Ms. Oxford appeared with Steven Crow, Director of Harrison House, and addressed the Committee.

CLOSED MEETING:

Ms. Francisco moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 10:47 A.M., for the purpose of consideration of an agency subordinate recommendation pertaining to Kim Oxford. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Lee and Ms. Tysinger attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

**RECONVENTION:**

The Board reconvened in open session at 10:50 A.M.

Ms. Francisco moved that the Committee of the Joint Boards of Nursing and Medicine certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Cooper moved that the Committee of the Joint Boards of Nursing and Medicine reject the recommended decision of the agency subordinate and refer the case of Kim Oxford, R.N., L.N.P., to the Committee of the Joint Boards of Nursing and Medicine for a formal hearing.

The motion was seconded and carried unanimously.

**CLOSED MEETING:**

Ms. Franciso moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 10:53 A.M., for the purpose of consideration of agency subordinate recommendations and a consent order. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Lee and Ms. Tysinger attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

**RECONVENTION:**

The Board reconvened in open session at 11:10 A.M.

Ms. Francisco moved that the Committee of the Joint Boards of Nursing and Medicine certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

**Ada Allen, R.N., L.N.P. – 0024-166917**

Ms. Allen did not appear.

Ms. Francisco moved to accept the recommendation of the agency subordinate to reprimand Ms. Allen in her practice as licensed nurse practitioner. The motion was seconded and carried unanimously.

**Patricia Holbert, R.N., L.N.P. – 0001-078406, 0024-078406, 0017-001029**

Ms. Holbert did not appear.

Ms. Cooper moved to accept the recommendation of the agency subordinate to suspend Ms. Holbert's prescriptive authority for not less than one year and until such time as she is able to resume the safe and competent practice of prescribing medications. The motion was seconded and carried unanimously.

**Cynthia L. Reynolds, R.N., L.N.P. – 0001-121231, 0024-121231, 0017-001011**

Ms. Reynolds did not appear.

Ms. Cooper moved to add in paragraph 1 under Findings of Fact after the word "practitioner," the following words "in the category of family nurse practitioner" and to accept the modified recommended decision of the agency subordinate to reprimand Ms. Reynolds in her practice as a licensed nurse practitioner. The motion was seconded and carried unanimously.

**Jon D. Jones, L.N.P. – 0024-167254**

Mr. Jones did not appear.

General Adams-Ender moved to accept the consent order to indefinitely suspend the nurse practitioner license of John D. Jones.

ADJOURNMENT:

The meeting adjourned at 11:15 A.M.

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Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director, Board of Nursing

**VIRGINIA BOARD OF NURSING  
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE  
FORMAL HEARING  
October 15, 2008**

**TIME AND PLACE:** The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 11:30 A.M., in Board Room 4, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**MEMBERS PRESENT:** Patricia M. Selig, R.N., F.N.P., Ph.D., Chairperson  
Lynne Cooper, Citizen Member  
Peregrin C. Francisco, R.N., M.S.A.  
Clara Adams-Ender, R.N., M.S.N.

**STAFF PRESENT:** Jay P. Douglas, R.N., M.S.N., C.S.A.C., Executive Director  
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline  
Donna M. Lee, Senior Discipline Specialist, Board of Nursing

**OTHERS PRESENT:** Allyson Tysinger, Senior Assistant Attorney General.

**ESTABLISHMENT OF A QUORUM:** With four (4) members of the Committee present, a quorum was established.

**FORMAL HEARING:** **Joy Price, R.N., L.N.P 0024-075667**  
Ms. Price appeared and was represented by her attorney, Barbara Queen.

LaRhonda J. Carter, Adjudication Specialist, represented the Commonwealth. Allyson Tysinger, Senior Assistant Attorney General was legal counsel for the Committee. Sandra Spinner, court reporter, recorded the proceedings.

Kimberly Lynch, R.N., M.S., Senior Investigator, Department of Health Professions; Kathryn Rankin, M.D., M.P.H, Virginia Department of Health, Director of Crater Health District; Rhonda Cox, R.N., Health Department (Cumberland); Annette Wetzell, R.N., Piedmont Health District; Mark Levine, M.D., Health Director, Henrico Health District; Karen Frye, R.N., L.N.P., District Manager, Redi Clinic, and Joy Price, R.N., L.N.P., were present and testified.

Ms. Douglas and Ms. Lee left the meeting.

**CLOSED MEETING:** Ms. Francisco moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of

Virginia at 3:00 p.m., for the purpose of deliberation to reach a decision in the matter of Ms. Joy Price. Additionally, Ms. Francisco moved that Ms. Mitchell and Ms. Tysinger attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations.

The motion was seconded and carried unanimously.

**RECONVENTION:**

The Committee reconvened in open session at 3:50 P.M.

Ms. Francisco moved that the Committee of the Joint Boards of Nursing and Medicine certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Committee of the Joint Boards of Nursing and Medicine accept the findings of fact and conclusions of law as presented by Ms. Carter and amended by the Committee. The motion was seconded and carried unanimously.

Ms. Cooper moved that the Committee of the Joint Boards of Nursing and Medicine reprimand Ms. Price in her practice as a licensed nurse practitioner and further ordered that Ms. Price shall provide the Committee with verification that she has completed the National Council of State Boards of Nursing courses entitled "Documentation: A Critical Aspect of Client Care", and "Ethics of Nursing Practice" within 90 days of the entry of the Order.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Committee of a written Order stating the findings, conclusions, and decision of this formal hearing.

**ADJOURNMENT:**

The meeting was adjourned at 4:05 P.M.

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Gloria D. Mitchell, R.N., M.S.N., M.B.A.  
Deputy Executive Director, Discipline





# **VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS**

## **Summary Draft Legislative Proposal Revised October 3, 2008**

### **Purpose:**

**The Department of Health Professions draft legislative proposal is a work in progress in follow-up to the Governor's Health Reform Commission to address healthcare workforce shortages and access to health care.**

***The Governor should increase physician productivity in the Commonwealth by working with the private sector to:***

- a. Increase the number of physician extender programs across the Commonwealth, and***
- b. Examine and expand the scope of practice of physician extenders.***

### **Key Points:**

To begin this deliberative process an initial workgroup limited to eight persons outlined below convened to review legislation drafted by the Department of Health Professions (DHP), proposed changes for consideration, and discussed options to try to achieve consensus on a legislative proposal. Multiple drafts have been circulated to key stakeholders, and further input sought to move forward on the issues.

The initial limited workgroup of eight included the following:

- MSV two representatives
- VCNP two representatives
- DHP Agency Director, Chief Deputy Director
- Board of Medicine Executive Director or designee
- Board of Nursing Executive Director or designee

Additional discussions are in process with the Virginia Academy of Family Physicians and other important constituent organizations on drafting legislation to address healthcare workforce shortages, increase access to health care, and remove regulatory burdens.

### **The current draft legislative proposal**

- Retains a physician/nurse practitioner relationship and reduces unnecessary barriers to the licensure and practice of nurse practitioners.
- Clarifies the practice relationship between a physician and a nurse practitioner through the written practice agreement which may include the provision of prescriptive authority if applicable.
- Retains the supervisory relationship between physicians and nurse practitioners while also allowing for collaboration and consultation as deemed appropriate consistent with the education, experience, and ability of the parties to provide quality of patient care.
- Reflects the evolving health care environment needs and allows for improved access to qualified practitioners.
- Retains relationship identified by legislation passed in 2006 of collaboration and consultation for nurse practitioners licensed and practicing in the category of nurse midwives.

- Allows increased physician productivity by nurse practitioners to practice at a location other than where the physician regularly practices, while retaining a requirement for a physician relationship.
- Defines "regularly practice" in statute and allows for periodic site visits as required by regulations.
- Increases the potential deployment of competent practitioners by expanding the number of nurse practitioners with whom a physician may enter into a practice agreement from the current restriction of four to six, thus expanding the ability of physicians and nurse practitioners to provide needed services to more patients.
- Includes unprofessional conduct for causes set forth in statute and reporting requirements.
- Reduces burdensome regulatory and meeting requirements and achieves a modest cost savings through the elimination of the Committee of the Joint Boards of Medicine and Nursing. The Board of Nursing fully funds and staffs the licensing and discipline of nurse practitioners.
- Licensure and regulation would be by the Board of Nursing, and subject expertise would be obtained as needed through more cost effective means. Relief would be provided to the board members for both the Board of Medicine and the Board of Nursing through reducing the required number of meetings and proceedings.
- Provides a more cost effective approach with an Advisory Committee to the Board of Nursing which would include physicians, nurse practitioners, pharmacists, and citizen member to assist the Board of Nursing as necessary while removing the additional burdensome meeting requirements for members of the Board of Medicine and Board of Nursing.

#### **Background information:**

- According to the Governor's Health Reform Commission 2007 Report:
  - There are 10 specialty categories of nurse practitioners in Virginia jointly licensed and regulated by the Boards of Nursing and Medicine.
  - Virginia is one of only 4 states in the country that requires joint licensure.
  - Data from the National Council of State Boards of Nursing indicates in 2007 for nurse practitioners, 29 states have collaborative practice, while 20 states have independent practice.
- Additional information regarding national overview of NP Regulation indicates that Boards of Nursing are the sole regulator of nurse practitioners in 38 states. In 23 states there is no physician involvement. 24 states require physician involvement, and of those 24, only 12 states require supervision or delegation by physicians.
- In Virginia, nurse practitioners who are registered nurses with a graduate degree from an approved nurse practitioner education program and hold a national specialty certification as a nurse practitioner must practice not only in collaboration with, but also under the medical direction and supervision of, a physician.
- The requirement that a supervising physician regularly practice in any location where the NP prescribes is considered a barrier to access to care. This requirement prevents a physician from setting up a satellite office, often in a rural or underserved area of the Commonwealth, because he or she would have to go to that office on a regular basis and see patients. Since the NP can examine and treat many of the

patients who would come in to such an office, the NP would increase access to care, and make care timelier and closer to the patient's home.

- Requirements for physicians need to be adjusted to allow competent nurse practitioners to provide care within scope of practice to help address increasing long-term care needs for our elderly and disabled citizens and significant uninsured population.
- Although a practice agreement is proposed, no evidence exists that requirements for NP practice such as supervisory or collaborative agreements enhance patient health, safety, or welfare.
- Nurse practitioners are authorized to prescribe Schedules II – VI drugs in accordance with a practice agreement jointly developed by the physician and the nurse practitioner that describes and directs the prescriptive authority of the nurse practitioner. Under current law, with very few exceptions, a separate office may not be established for a nurse practitioner because of the requirement for the supervising physician to practice in the same location as the nurse practitioner
- Currently there are 5,579 nurse practitioners licensed in Virginia with 3,242 having the authorization to prescribe. There are 2,337 nurse practitioners without prescriptive authority, including 1,251 certified nurse anesthetists.
- The Committee of the Joint Boards of Medicine and Nursing includes 3 members of the Board of Medicine and 3 members of the Board of Nursing and is scheduled to meet once each quarter. Additionally, an advisory committee, composed of 4 physicians and 4 nurse practitioners from various specialties, meets in conjunction with the Committee. The additional committees create unnecessary additional burdens for attendance that often are difficult to meet.
- Regulatory matters and disciplinary proceedings have been delayed, public safety unnecessarily jeopardized, and key performance case resolution adversely impacted due to a lack of quorum with the current burdensome additional board attendance requirements of the Joint Boards of Nursing and Medicine.

